

## ECF FREQUENTLY ASKED QUESTIONS

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1. Can I file documents electronically in any case in the Northern District of Texas if I have a court issued log-in and password?

No. According to Miscellaneous Order #61, Rule 1, "an ECF user may only electronically file documents in a case that has been designated for ECF by the presiding judge." And, the CM/ECF Attorney/User registration form stipulates, "the electronic filing system is for use only in cases designated by the presiding judge or the court of the US District Court NDTX."

2. Do I have to submit a separate CM/ECF registration form for each case designated as ECF?

No. A registered user is issued one login and password for electronic filing in the Northern District of Texas.

3. I would like for my case to be part of the ECF pilot cases for the Northern District of Texas. Who decides whether a case should be administered electronically?

According to Miscellaneous Order #61, Rule 1, "the presiding judge will decide *sua sponte* or on written request by an attorney whether to select a case for ECF and shall notify each attorney of record and the clerk's office accordingly."

4. Is my login and password issued by the Eastern District of Texas applicable to the Northern District?

No. Each district assigns a specific login and password for each registered attorney of record.

5. I received an order designating my case as ECF several weeks ago and my filing deadline for my document is today. I'm not really prepared to file the document electronically. Can I file my document in paper form with the Clerk's office?

No.

6. Do I have to provide chambers with a courtesy paper copy of my documents filed electronically?

Yes, unless directed otherwise by the presiding judge. According to Miscellaneous Order #61, "the presiding judge may require an ECF user to provide the judge with a courtesy paper copy of any document filed in a particular case."

7. Can I submit a document under seal electronically?

No. According to the CM/ECF Civil and Criminal Administrative Procedures Manual, Section III (B), "although a motion to file a document under seal may be filed electronically, the actual document to be filed under seal must be submitted in paper form. Any document for a case filed under seal shall be filed in paper form unless or until the presiding judge orders the case unsealed. The order authorizing the filing of a document under seal may be filed electronically."

8. Can I submit my agreed proposed order to the judge for signature as an attachment to my document?

No. According to the CM/ECF Civil and Criminal Administrative Procedures Manual, Section II(F), "A proposed order shall be submitted for EVERY motion via e-mail as instructed under the ECF system's "Proposed Orders" event. (This is a modification to LR 7.1(c) and LcrR 47.1(c).) The proposed order must be submitted in a format compatible with Word or WordPerfect version 9.0 or higher, and not in pdf format. This is a "Save As" option in most word processing software."

9. Am I already signed up for electronic filing since I receive my orders and judgments by e-mail?

No. According to the Consent to Receive Notice of Orders and Judgments Via Electronic Transmission, an attorney authorizes the clerk to transmit notice of entries of judgments and orders by electronic transmission in any case in which this capability exists and they appear as an attorney of record. Whereas, only registered ECF attorneys have the privilege to electronically submit documents. However, the CM/ECF Attorney/User registration form requires a user to consent to the Clerk of Court to transmit notice of entries of judgments and orders by electronic transmission in any case in which this capability exists and

the attorney appears as attorney of record.

10. Can I correct my own docket mistakes?

No. According to the CM/ECF Civil and Criminal Administrative Procedures Manual, Section II(H), "once a document is electronically filed by a registered user and becomes part of the official record, corrections to the docket may be made only by the clerk's office. The System will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been completed."

11. Can I file electronically with the district court using my bankruptcy login and password?

No. Logins and passwords are court and district specific.

12. Can I file electronically if I am pro se?

Only with permission of the presiding judge.

13. My electronic file is over 3 megabytes. Is there anyway I can submit the document electronically?

Maybe, depending on the type of document being filed. According to the CM/ECF Civil and Criminal Administrative Procedures Manual, Section III(F), "an electronic version of an exhibit to be filed with the court that would otherwise be larger than three megabytes may still be filed electronically. This may be done by separating portions of the exhibit into multiple documents no one of which exceeds the size limit. Multiple documents may be attached to a single docket entry." If this example does not apply to the particular situation in question, then the registered user may file the document conventionally. However, the registered user must electronically file a Notice of Manual Filing.

14. Is there a difference between PACER and CM/ECF?

Yes. Public Access to Court Electronic Records (PACER) is an electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy court, and from the US Party/Case Index. A PACER login and password is required. Please visit the PACER Service

Center @: <http://pacer.psc.uscourts.gov> for further information. Case Management/Electronic Case Files (CM/ECF) is a new automated case management and docketing system designed specifically for federal courts. The case management and docketing (CM) portion replaces the aging software currently used by most courts with a nationally-supported but flexible system that provides customizable docketing and reporting capability. The electronic case files (ECF) portion allows courts to manage documents electronically; provide 24-hour desktop access to case files by judges, court staff, and the public; and accept filings over the Internet.

15. My computer crashed and I was unable to submit my document electronically by the date it was due. Can I put the document in your 24 hour drop-box?

No. According to the CM/ECF Civil and Criminal Procedures Manual, Section II(I), "technical failures on the filer's end, such as phone line problems, problems with the filer's ISP, or hardware or software problems, do not constitute a technical failure of the System, nor do they excuse an untimely filing. A filer who cannot file a document electronically because of a technical failure on the filer's end must find another way to file the document, including bringing a document to the clerk's office for scanning and electronic filing in the System." Or, another option is highlighted in Miscellaneous Order #6. "An ECF user who experiences a technical failure may seek a delayed filing date by filing a motion with the court, accompanied by a declaration or an affidavit attesting to the ECF user's failed attempts to file electronically on a timely basis."

16. If a judge requires the courtesy copy of a document to be "highlighted," how can I file the original document electronically?

CM/ECF will display a document in the original color(s) submitted if the document has been scanned with a colored scanner or has been converted from the original format (e.g., Word or WordPerfect) to PDF.

17. I need to submit an "Agreed Order" to the judge; however, the order contains multiple signatures. But, if I scan the document, to preserve the signatures, will it be in the proper format ?

No. A proposed order should be submitted to the judge in either Word or WordPerfect format. To accomplish this, the attorney needs to apply the "electronic signature" of the attorney(s) and/or pro se party on the applicable signature lines. The filing attorney is required to maintain the original document

with the original signatures in their file for 5 years in order to satisfy any attorney or pro se party challenging the authenticity of their own or another attorney's signature.